

EXHIBIT 17

**PETROCHOICE HOLDINGS, INC.'S REPLY IN SUPPORT
OF ITS MOTION FOR SUMMARY JUDGMENT**

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PETROCHOICE HOLDINGS, : CIVIL ACTION
INCORPORATED :

VS. :

FRANCIS S. OROBONO, JR. : NO. 19-6152-JMG

TUESDAY, SEPTEMBER 22, 2020

VIRTUAL VIDEOTAPED DEPOSITION WAS TAKEN
OF FRANCIS OROBONO, IN THE ABOVE-CAPTIONED MATTER
THROUGH MAGNA LEGAL SERVICES, 1635 MARKET STREET,
8TH FLOOR, PHILADELPHIA, PENNSYLVANIA AT 9:33
A.M., ON THE ABOVE DATE, BEFORE SHEILA KLOS,
REGISTERED COURT REPORTER AND NOTARY PUBLIC IN THE
COMMONWEALTH OF PENNSYLVANIA.

MAGNA LEGAL SERVICES
866-624-6221
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1 CUSTOMERS WHEN YOU WERE AT CRAFT OIL?

2 A INFREQUENTLY.

3 Q WHAT DOES INFREQUENT MEAN TO YOU?

4 A WITH THE SALES MANAGERS AND HAVING SALES
5 TEAMS, THE SALES REPS WOULD BE ON THE FRONT LINE
6 SEEING THEIR CUSTOMERS THAT WERE ASSIGNED TO THEM.
7 SALES MANAGERS WERE RESPONSIBLE FOR OVERSEEING
8 THAT ACTIVITY AND REPORTING IN TO ME.

9 Q DID YOU MANAGE ANY CUSTOMER RELATIONSHIPS
10 AT ALL?

11 A YES.

12 Q WHICH ONES?

13 A I DON'T RECALL.

14 Q WHAT DOES MANAGING CUSTOMER RELATIONSHIPS
15 MEAN TO YOU?

16 A THAT YOU ARE THE -- THAT YOU ARE DIRECTLY
17 RESPONSIBLE FOR OVERSEEING THE ACTIVITY OF THAT
18 ACCOUNT AND MAINTAINING THE RELATIONSHIP, THE
19 BUSINESS RELATIONSHIP ON THAT ACCOUNT, A SPECIFIC
20 ACCOUNT.

21 Q HOW MANY ACCOUNTS DO YOU THINK YOU, I
22 GUESS, OVERSAW AT YOUR TIME WITH CRAFT, DURING
23 YOUR TIME AT CRAFT OIL?

24 A INDIVIDUALLY?

1 PETROCHOICE AT THE TIME. AND HE HAD WHAT WOULD BE
2 PART OF THE NORTHEAST, LIKE FROM HARRISBURG INTO
3 PITTSBURGH AND INTO MARYLAND. AND I HAD THAT PART
4 OF PENNSYLVANIA EAST OF HARRISBURG GOING INTO NEW
5 JERSEY. SO WE KIND OF GOT SPLIT. AND WE HAD
6 SIMILAR JOB TITLES AND RESPONSIBILITIES.

7 Q TO YOUR KNOWLEDGE, HOW DID CHARLIE COME
8 TO WORK AT PETROCHOICE?

9 A CHARLIE WORKED FOR TRI-COUNTY PETROLEUM
10 WHICH; TO THE BEST OF MY RECOLLECTION, WAS THE
11 FIRST COMPANY THAT KRG PURCHASED THROUGH THE
12 PRIVATE EQUITY SECTOR THAT THEN BEGAN
13 TRANSITIONING THE NAME FROM TRI-COUNTY PETROLEUM
14 TO PETROCHOICE.

15 A BATHROOM BREAK IN FIVE TO TEN MINUTES
16 WOULD BE HELPFUL.

17 Q DO YOU WANT TO GO NOW?

18 A WHY DON'T WE GO THROUGH A FEW MORE
19 QUESTIONS.

20 Q OKAY.

21 SO YOU SAID YOUR TERRITORY CHANGED A
22 LITTLE BIT. COULD YOU TELL ME WHAT YOU MEAN BY
23 THAT?

24 A THE COMPANY TRIED TO TAKE WHERE CHARLIE

1 WAS IN MY TERRITORY, LIKE WHEN WE WERE COMPETING
2 BECAUSE CRAFT OIL AND PETROCHOICE WERE
3 COMPETITORS. SO WHERE WE HAD OVERLAP, THEY TRIED
4 TO JUST KIND OF SPLIT UP AND REALIGN TERRITORIES.
5 SO SALES REPS THAT WORKED FOR CHARLIE BUT WERE IN
6 MY TERRITORY WOULD THEN START REPORTING FOR ME. I
7 DIDN'T HAVE REALLY MUCH OF ANY SALES REPS THAT
8 WERE IN HIS TERRITORY. SO WHAT HAPPENED THROUGH A
9 REALIGNMENT CREATED MORE PEOPLE ON MY TEAM.

10 Q SO IT SOUNDS LIKE YOUR TERRITORY
11 EXPANDED?

12 A MY AREA AND THE AMOUNT OF PEOPLE ON MY
13 SALES TEAM INCREASED.

14 Q HOW DID THE AREA INCREASE? WOULD YOU
15 MIND TELLING ME ABOUT THAT FIRST? WHICH SPECIFIC
16 GEOGRAPHIC AREAS WERE ADDED?

17 A THERE WAS MORE BUSINESS TO LOOK AFTER.
18 LET ME BACK UP. MAYBE THE GEOGRAPHY DIDN'T
19 INCREASE, BUT THE AMOUNT OF BUSINESS IN THE
20 EXISTING GEOGRAPHY INCREASED TO BE RESPONSIBLE
21 FOR.

22 Q WERE YOU STILL IN ALL OF NEW JERSEY,
23 DELAWARE, NEW YORK STATE AND PARTS OF
24 PENNSYLVANIA?

1 A YES.

2 Q SO IT WAS THE SAME GEOGRAPHIC REGION THAT
3 CRAFT OIL HAD BEEN IN, JUST MORE BUSINESSES --

4 A YES.

5 Q -- LOCATED IN THAT AREA?

6 A MORE BUSINESSES AND MORE SUPPLIERS THAT
7 PETRO -- EXCUSE ME, THAT CRAFT OIL DIDN'T HAVE
8 THAT PETROCHOICE HAD. SO THERE WAS ADDITIONAL
9 SUPPLIERS ADDED TO OUR AREAS OF RESPONSIBILITY,
10 WHICH THEN INCREASED THE AMOUNT OF CUSTOMERS TO
11 LOOK AFTER.

12 Q HOW MANY PEOPLE WERE NOW DIRECTLY
13 REPORTING TO YOU?

14 A I DON'T KNOW THAT ANSWER. I DON'T RECALL
15 THAT ANSWER AT THE MOMENT.

16 Q WAS IT LIKE DOUBLE THE AMOUNT OF PEOPLE,
17 OR YOU JUST HAVE NO IDEA?

18 A IT WAS NOT DOUBLE.

19 Q SO IT WAS LESS THAN DOUBLE OR MORE THAN
20 DOUBLE?

21 A IT WAS LESS THAN DOUBLE.

22 Q SO WITH THAT -- SO WOULD YOU SAY THAT
23 YOUR RESPONSIBILITIES EXPANDED WHENEVER YOU,
24 WHENEVER PETROCHOICE WAS ACQUIRED BY CRAFT OIL --

1 WHENEVER CRAFT OIL WAS ACQUIRED BY PETROCHOICE?

2 A YES.

3 Q WERE THERE ANY OTHER CHANGES TO YOUR
4 DAY-TO-DAY OR YOUR EMPLOYMENT EXPERIENCE?

5 A NOT AT THE INITIAL TRANSITION OF CRAFT
6 OIL BEING PURCHASED BY PETROCHOICE.

7 Q NOT AT THE INITIAL? NOT INITIALLY?

8 A NOT INITIALLY.

9 Q SO WERE THERE CHANGES SUBSEQUENT TO
10 INITIAL?

11 A YES.

12 Q WHAT KIND OF CHANGES?

13 A THE SENIOR LEADERSHIP TEAM AT PETROCHOICE
14 DECIDED TO CHANGE THEIR ORGANIZATION STRUCTURE.
15 AND THEY WANTED TO GO TO A REGIONAL VICE PRESIDENT
16 MODEL, RVP. SO PRIOR TO THAT, CHARLIE LEONARD AND
17 I WERE VICE PRESIDENTS OF SALES SOLELY FOCUSING ON
18 THE SALES-RELATED PART OF THE BUSINESS. THE
19 EXECUTIVE LEADERSHIP TEAM WANTED TO CHANGE IT TO
20 THE REGIONAL VICE PRESIDENT, THE REGIONAL VICE
21 PRESIDENT STRUCTURE, WHICH WOULD THEN INCLUDE
22 CHARLIE LEONARD AND I TO HAVE TOTAL OPERATIONAL
23 RESPONSIBILITIES AND THE SAME SALES
24 RESPONSIBILITIES.

1 SO WHAT THAT MEANT WAS, THERE WERE A
2 NUMBER OF WAREHOUSES, FACILITIES AS THEY CALLED
3 THEM IN THAT BUSINESS, WHERE YOU HAD ALL OF YOUR
4 INVENTORY AND YOUR TANKS AND YOUR TRUCKS AND YOUR
5 OPERATIONAL PEOPLE AND YOUR DRIVER. THEY WERE
6 BEING MANAGED BY OPERATIONAL MANAGERS. THE
7 DECISION TO TRANSITION TO REGIONAL VICE PRESIDENT
8 WOULD MEAN THAT THE RVP, CHARLIE AND I IN THE
9 NORTHEAST, WOULD BE RESPONSIBLE FOR ALL OF THE
10 SALES ACTIVITY THAT WE CURRENTLY HAD AND ALL OF
11 THE OPERATIONAL RESPONSIBILITY. SO THAT
12 OPERATIONAL GROUP WOULD THEN BE RESPONSIBLE FOR
13 REPORTING IN TO CHARLIE AND I, WHICH DID NOT PRIOR
14 TO THAT.

15 Q AS THE RVP, WERE YOU ALSO RESPONSIBLE FOR
16 MANAGING THE ACCOUNTING SIDE OF THINGS, THE BACK
17 OFFICE?

18 A NO. HOW THEY DESCRIBED THAT AT THE TIME
19 WAS THEY CALLED THAT FUNCTIONAL ROLES. SO
20 ACCOUNTING AND FINANCE WAS A FUNCTIONAL ROLE. HR
21 WAS A FUNCTIONAL ROLE. PURCHASING WAS A
22 FUNCTIONAL ROLE. AND WE WERE ENCOURAGED BY OUR
23 SENIOR LEADERS AT THE TIME, USE YOUR FUNCTIONAL
24 ROLES TO HELP YOU RUN YOUR BUSINESS. BUT WE WERE

1 100 PERCENT RESPONSIBLE FOR THE DAY-TO-DAY, THE
2 HOUR-TO-HOUR ACTIVITIES OPERATIONALLY AND SALES
3 RELATED IN THOSE ASSIGNED TERRITORIES.

4 Q WHO WAS THE SENIOR LEADERSHIP TEAM?

5 A AT THE TIME, SHANE O'KELLY WAS THE CEO,
6 CHRIS LAWS WAS THE CFO. AND THEY HAD ANOTHER
7 LAYER IN THERE CALLED AN EVP, EXECUTIVE
8 VICE-PRESIDENT. AND TO THE BEST OF MY KNOWLEDGE,
9 THAT GROUP WAS THE ONE THAT IMPLEMENTED THAT RVP
10 CHANGE.

11 Q WHEN DID THAT CHANGE OCCUR,
12 APPROXIMATELY?

13 A BETWEEN 2014 AND 2016.

14 Q WERE THERE ANY OTHER VP OF SALES -- PRIOR
15 TO THE CHANGE, WERE THERE ANY OTHER VP OF SALES
16 ASIDE FROM YOU AND CHARLIE LEONARD?

17 A THEY HAD, THE BEST THAT I CAN RECALL AT
18 THE MOMENT, THEY HAD FOUR REGIONS. AND THEY DID
19 THAT IN EACH REGION. SO THEY HAD A VICE-PRESIDENT
20 OF SALES THAT THEY TRANSITIONED TO THE SAME RVP
21 ROLE. IT WAS THREE OR FOUR REGIONS THAT THEY DID
22 THIS IN.

23 Q DID YOU AND CHARLIE LEONARD SHARE A
24 REGION, OR DID YOU SPLIT A REGION OR WERE YOU